

Our Ref. No.: PHY-001US5/108236.136US5  
Response to Office Action dated June 22, 2005

**APPENDIX A**

Attached is a Terminal Disclaimer over U.S. Patent No. 6,084,060 and U.S. Patent No.6,280,724.

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**APPENDIX B**

The front page of U.S. Patent No. 6,852,321.



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

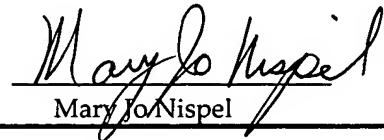
Application No.: 10/737,180 Art Unit: 1651  
Applicant(s): Moore Examiner: Leon B Lankford Jr.  
Date Filed: December 15, 2003 Conf. No.: 5500  
Docket No.: PHY-001US5/108236.136US5 Cust. No.: 23483  
Title: Composition And Method For Preserving Progenitor Cells

**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date set forth below.

12-22-2005

Date of Mail Deposit

  
Mary Jo Nispel

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TERMINAL DISCLAIMER**

Dear Sir:

I, Michael J. Twomey, declare that I am an attorney of record for ImClone Systems Incorporated, the assignee of all rights and interest in the above-referenced patent application, as recorded on Reel 014703, Frame 0801, that the evidentiary documents have been reviewed and that I certify, to the best of my knowledge and belief, title is in ImClone, and that I am authorized to execute this Terminal Disclaimer on behalf of ImClone.

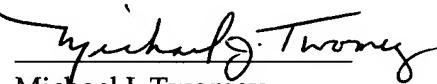
Pursuant to 35 U.S.C. § 253 and 37 C.F.R. § 1.321, ImClone hereby disclaims the terminal part of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term of United States Patent No. 6,280,724 and United States Patent No. 6,084,060 and hereby agrees that any patent so granted on the subject application

shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to any patent granted on United States Patent No. 6,280,724 and United States Patent No. 6,084,060, this agreement to run with any patent granted on the subject application and to be binding upon the grantor, its successors or assigns.

Petitioner does not disclaim any terminal part of any patent granted on the subject application prior to the expiration date of the full statutory term of United States Patent No. 6,280,724 and United States Patent No. 6,084,060, in the event that either later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

Respectfully submitted,

Date: December 22, 2005

  
Michael J. Twomey  
Registration No. 38,349  
Attorney for Applicant

**WILMER CUTLER PICKERING HALE AND DORR LLP**

60 State Street  
Boston, MA 02109  
Tel: (617) 526-6190  
Fax: (617) 526-5000